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U.S. PTO
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PATENT
Customer Number 22,852
Attorney Docket No. 5725.0321-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application Art Unit: 1619

Prior Application Examiner: G. Yu

SIR: This is a request for filing a

Continuation Continuation-in-Part Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application No. 09/217,991 filed December 22, 1998, of Bertrand PIOT, et al. for MASCARA COMPRISING A MIXTURE OF HARD WAXES AND OF FILM-FORMING POLYMER

1. Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application No. 09/217,991 as originally filed on December 22, 1998, which is incorporated herein by reference.
2. Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. Cancel Claims 33 to 58 without prejudice or disclaimer.
5. A Preliminary Amendment will follow in the near future. Please contact Sean A. Passino at (202) 408-6065 with any questions that can be resolved by a telephonic conference.
6. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	32	-	20	12	x \$18	216.00
Independent Claims	1	-	3	0	x \$80	0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	
Subtotal						\$ 926.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 926.00

7. A check in the amount of \$926.00 to cover the filing fee is enclosed.
8. The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. Amend the specification by inserting before the first line, the paragraph:

Sub C

~~This application is a continuation of U.S. Application No. 09/217,991, filed December 22, 1998, which is incorporated herein by reference, and which claims the benefit of U.S. Provisional Application No. 60/135,117, filed August 31, 1998, which was converted from U.S. Non-provisional Application No. 09/144,279.~~

10. New formal drawings are enclosed.
11. The prior application is assigned of record to: L'Oréal S.A.
12. CLAIM FOR PRIORITY under 35 U.S.C. § 119: Applicants claim the benefits of French Patent Application No. 97 16806, filed on December 31, 1997, in France. A certified copy of this application is on file in the prior U.S. Provisional Application 60/135,117, filed August 31, 1998, which itself was converted from U.S. Non-provisional Application No. 09/144,279. Applicants also claim the benefits of U.S. Provisional Application 60/135,117.
13. A verified statement claiming small entity status

 is enclosed or is on file in the prior application.
14. The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Heftet, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal,

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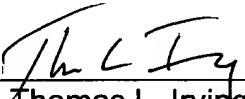
Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. No. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; and David A. Manspeizer, Reg. No. 37,540.

- 15. The power appears in the original declaration of the prior application.
 - 16. Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
 - 17. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
 - 18. Recognize as associate attorney Sean A. Passino, Reg. No. 45,943.
 - 19. Also enclosed are an Information Disclosure Statement and PTO 1449
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PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application no. 09/217,991, filed December 22, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 30, 2001

By: 
Thomas L. Irving
Reg. No. 28,619

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By: 
Sean A. Passino
Reg. No. 45,943